

### **REMARKS/ARGUMENTS**

These remarks are made in response to the Office Action of March 4, 2008 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. However, the Examiner is expressly authorized to charge any deficiencies to Deposit Account No. 50-0951.

### **Claim Rejections – 35 USC § 103**

In the Office Action, Claims 1, 3-7, 10, 12-16, 18, and 20-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,314,361 to Yu, *et al.* (hereinafter Yu) in view of a newly-recited reference, U.S. Published Patent Application 2003/0061085 to Lanigan, Sr. (hereinafter Lanigan).

Although Applicants respectfully disagree with the rejections, Applicants have amended the claims so as to expedite prosecution of the present application by emphasizing certain aspects of the invention. However, such amendments should not be interpreted as the surrender of any subject matter, and Applicants expressly reserve the right to present the original version of any of the amended claims in any future divisional or continuation applications from the present application.

Applicants have amended independent Claims 1, 10, and 18 to further emphasize certain aspects of the invention. As discussed herein, the claim amendments are fully supported throughout the Specification. No new matter has been introduced by the claim amendments.

### **Aspects of Applicants' Invention**

It may be helpful to reiterate certain aspects of Applicants' invention prior to addressing the cited references. One embodiment of the invention, as typified by amended Claim 1, is a method for determining flight cancellations in real time.

The method can include detecting a flight cancellation condition, and determining at least two flight cancellation candidates using flight operations data, including equipment, crew, plane availability, and other flight operations information.

The method also can include obtaining in real time flight financial data from at least one flight financial data store for the at least two flight cancellation candidates, and processing the flight financial data for the flight cancellation candidates to determine for each flight cancellation candidate an amount of revenue lost by canceling a flight corresponding to a particular flight cancellation candidate. Amounts of revenue can include values for time-critical cargo and coupons held by passengers assigned to each flight corresponding to the particular flight cancellation candidate.

The method further can include presenting for each flight cancellation candidate the amount of revenue lost determined based upon the financial data for the flight cancellation candidates, and selecting from among the at least two flight cancellation candidates a flight cancellation candidate and canceling the flight corresponding to the selected flight cancellation candidate if the amount of revenue lost by canceling the corresponding flight is less than the revenue lost by canceling any other flight corresponding to a non-selected flight cancellation candidate. See, e.g., Specification, paragraphs [0025] to [0030].

### **The Claims Define Over The Prior Art**

Although both Yu and the present invention deal with rescheduling of aircraft during irregular operations events, Yu does not address the problem that the present invention solves. The problem Yu tries to solve is how to make airline routes readied more efficiently when equipment is taken out of service. In contrast, the present invention is directed to allowing flight operations group (the group responsible for determining which flight gets canceled) to look at the monetary impact of a particular

flight compared with other flights being considered for cancellation. Yu describes a route-based calculation. In contrast, the present invention describes a method to calculate, in real time and using real numbers, the cost of canceling a particular flight taking passenger, cargo, and crew costs into account.

The present invention provides the flight operations group access to real time information regarding the value of cargo on a flight (some of which may be lost if the flight cannot take off), and the value of passengers who may need to be re-accommodated, fed, or transferred to another airline. For example, if a first flight has 100 high value customers and a second flight has 10 and all other conditions are equal, the second flight should be considered for cancellation. Yu does not take any of these indirect costs into account in its calculation.

The passages in Yu cited by the Examiner do not appear to be relevant to the present invention. The only passage that mentions cost is col. 8, lines 17-19: "More specifically, the Aircraft Optimization Engine requires data consisting of flight, station, aircraft, fleet, subfleet, and cost information." It is further explained in col. 8, that "[t]he necessary cost information includes the cost corresponding to operating, delaying, canceling, and otherwise modifying flights and aircraft routes." It is noted that Yu only generally mentions the cost corresponding to canceling flights, but does not even mention what constitutes the cost.

Lanigan discloses decoupling passenger baggage from the passenger in order to reduce airline baggage handling, cost, and liability. Clearly, the subject matter of Lanigan has nothing to do with the subject matter of the present invention, namely finding the most economical flight (with the least revenue lost) to cancel. Applicants, therefore, believe that Lanigan is a non-analogous art and cannot be combined with Yu. It is further noted that paragraph [0038] of Lanigan does not teach that amounts of

revenue for choosing which flight cancellation candidate to cancel include values for time-critical cargo in the sense of the present invention.

Accordingly, the cited references, alone or in combination, fail to disclose or suggest each and every element of Claims 1, 10, and 18, as amended. Applicants therefore respectfully submit that amended Claims 1, 10, and 18 define over the prior art. Furthermore, as each of the remaining claims depends from Claim 1, 10, or 18 while reciting additional features, Applicants further respectfully submit that the remaining claims likewise define over the prior art.

Applicants thus respectfully request that the claim rejections under 35 U.S.C. § 103 be withdrawn.

### CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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